

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

RONALD WAYNE JOHNSON,	§	
	§	
Petitioner,	§	
	§	
v.	§	2:15-CV-0260
	§	
WILLIAM STEPHENS, Director,	§	
Texas Department of Criminal Justice,	§	
Correctional Institutions Division,	§	
	§	
Respondent.	§	

**REPORT AND RECOMMENDATION TO DENY PETITIONER'S  
APPLICATION TO PROCEED *IN FORMA PAUPERIS* ON APPEAL**

On August 24, 2015, this case was transferred to this Court by the United States District Court for the Southern District of Texas. Upon receipt, this Court terminated petitioner's case noting petitioner has been sanctioned and is prohibited from filing any civil action in this Court, including habeas corpus actions, unless he first obtained leave of Court through a proper motion. On September 24, 2015, petitioner filed a notice of appeal of the Southern District's order transferring the case to this Court, which case has been assigned USCA No. 15-10931. On October 16, 2015, petitioner filed a second notice of appeal, again appealing the order of the Southern District transferring this case to this Court. Such case has been assigned USCA No. 15-11025. Petitioner has now filed an Application to Proceed *In Forma Pauperis* on these appeals.

Petitioner has not demonstrated his repeated appeals of a transfer order between courts are not frivolous. Moreover, petitioner has not provided this Court with a current *In Forma Pauperis* Data Sheet from the institution in which he is confined reflecting the amount of funds he has available or funds to which he has had access. Petitioner's appeal is frivolous and in bad faith, and his application to proceed *in forma pauperis* should be denied.

### RECOMMENDATION

It is the recommendation of the undersigned United States Magistrate Judge to the United States District Judge that petitioner's application to proceed *in forma pauperis* on appeal be DENIED.

### INSTRUCTIONS FOR SERVICE

The United States District Clerk is directed to send a copy of this Report and Recommendation to each party by the most efficient means available.

IT IS SO RECOMMENDED.

ENTERED this 2nd day of November 2015.

  
CLINTON E. AVERITTE  
UNITED STATES MAGISTRATE JUDGE

### \* NOTICE OF RIGHT TO OBJECT \*

Any party may object to these proposed findings, conclusions and recommendation. In the event parties wish to object, they are hereby NOTIFIED that the deadline for filing objections is

fourteen (14) days from the date of filing as indicated by the “entered” date directly above the signature line. Service is complete upon mailing, Fed. R. Civ. P. 5(b)(2)(C), or transmission by electronic means, Fed. R. Civ. P. 5(b)(2)(E). **Any objections must be filed on or before the fourteenth (14th) day after this recommendation is filed** as indicated by the “entered” date. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b)(2); *see also* Fed. R. Civ. P. 6(d).

Any such objections shall be made in a written pleading entitled “Objections to the Report and Recommendation.” Objecting parties shall file the written objections with the United States District Clerk and serve a copy of such objections on all other parties. A party’s failure to timely file written objections to the proposed findings, conclusions, and recommendation contained in this report shall bar an aggrieved party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings, legal conclusions, and recommendation set forth by the Magistrate Judge in this report and accepted by the district court. *See Douglass v. United Services Auto. Ass’n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996); *Rodriguez v. Bowen*, 857 F.2d 275, 276-77 (5th Cir. 1988).